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10/530,213

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Andre Schenk

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EXAMINER

VO, TED T

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,213	<b>Applicant(s)</b> SCHENK, ANDRE	
	<b>Examiner</b> TED T. VO	<b>Art Unit</b> 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-14 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-14 and 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the amendment filed on 04/25/2008.

Claims 1-6, 10-14, 25-29 are pending.

### ***Response to Arguments***

2. The specification filed on 04/25/2008 is entered.

Regarding argument remarks to the rejection under 35 USC 112 second paragraph, the amendment does not fully address the claims under this rejection. See the rejection below.

Regarding argument remarks to the rejection under 35 USC 101, the amendment does not fully address the claims under this rejection. See the rejection below.

Applicants' remarks argument filed on 04/25/2008 to the rejection under 35 USC 103(a) has been considered but not persuasive. Since the unity of the claim invention is requires, Claim 1, 5, and 10 are interpreted as the same claimed invention. The claims recites methods and device that are characterized, *"receiving an integrated configuration code comprising code sections for all information required for generating an application in each of said levels; parsing all code sections in said integrated configuration code required for at least one level of said multi-level environment; extracting said parsed code sections for said at least one level; and converting said extracted code sections into level-specific application code for each*

*extracted level*". This characteristic reads on an XML file that is downloaded and then it provides generating an application in every level of database. Since the JNLP file is an integration of code scripted in XML language, code is implemented in sections of the file, when downloaded; it requires a parser to scan and extracted the code in XML sections (Figure 1). The Java Web Start embedded in XML (JNLP file) is an integrated configuration code.

It is known that XML is used as an integrated configuration code. It is known that J2EE is a multi-level database. In a related reference, Zukowski, shows that JNLP file is used for generating distributed application for J2EE. Thus, with this analysis, it has been identified in the prior arts with the methods as recited. Therefore, it is obvious to combine because the first reference has shown that the JNLP is *an integrated configuration code comprising code sections for all information required for generating an application*, and the second reference has suggested that the extraction of the JNLP is not only associated to a computer but also to multi level of database.

Applicants arguments have been considered, but they have discussed away from the analysis, seen by the prior arts. Applicants' remarks argument fails to address the patentability in the claims as the requirement under 37 CFR 1.111(b) and (c).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 25-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 25-29 are product claims recited as depending on the methods of claims 2, 3, 4, 5, 6, respectively. Each product recites as comprising program code downloaded. Each of products carries out a method in accordance to the claims 2, 3, 4, 5, 6. The dependent claims fail to provide antecedent basis and essential elements. There are a lot of evidences for showing that download executable code requires many essential steps for integration of the code into a computer. Claims 2, 3, 4, 5, 6 appear their methods are comprehensively done by a user interaction with a computer because there is no showing of instructions for carrying theses methods. A transformation from such methods to code without essential steps (i.e. showing or connecting how the code in the products is carried out to perform) amounts to a gap between the elements. See MPEP § 2172.01. The dependency of such claims is indefinite.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

6. The claims 25-29 are rejected under 35 U.S.C 101 because the claimed invention directs to non-statutory subject matter.

Claims 25-29 are recite as dependent claim, but different scope definition from their parent claims. The claims recite “product comprising program code”. Thus, the code is either a data structure stored in a physical storage or the signal transmitted in a medium. Since the claims recite “downloadable from a server”. Thus, at an instance of the time, the code could be in a server, or in the air, or in a transmission wire, or at a buffer of a computer, etc. Such type of product is unclear; it fails to be embodied in statutory media. The claims fail to be statutory claims.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 10-14, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steven Kim (hereinafter: Kim), “Java Web Start”, in view of John Zukowski (hereinafter: Zukowski), “Deploying Software with JNLP and Java Web Start”.

As per Claims 1: Kim discloses a development and distributing a Java Application for a platform/client (*‘a multi-level database’*). The Java Application is integrated in an XML file (i.e. *‘XML configuration file’*) (See “An example of JNLP file”) and then distributed to the platform. At the platform, when receives the XML file that integrated with the Java application, it parses the XML and extract the code to provide the Java application installed in the platform. The distribution of the Java application carried by the XML file discloses,

Regarding: ***A method for generating distributed applications for each level in a multi-level database environment, comprising:***

*receiving an integrated configuration code* (interpreted as: Java web start: JNLP file)  
*comprising code sections for all information* (See the extraction in the figure 1; it is extracted from the XML file. See “An example of JNLP file” having information of Jar files) *required for generating an application in each of said levels;* (The Jar files are part of a distributed Java Application)

(Kim: See p. 8, “The core of Java Web Start: JNLP”, and see “The JNLP is an XML file”: i.e. the limitation reads on the Java Web Start, that received at the platform (interpreted as “*each level in a multi-level database*” since Sun Systems and IBM are dealt with all levels of multi-level database)

For this limitation:

*parsing all code sections in said integrated configuration code required for at least one level of said multi-level environment; extracting said parsed code sections for said at least one level; and*

Kim discloses, for receiving a Java Web Start first time, code is parsed and extract such as seen in “installing Java Web Start for the first time” (p. 2). After Java Web Start installed, it allows the client using the Java Web Start to extract visioning Jar Files (p. 9-10). Java Web Start is parsed and displayed in WEB (i.e. HTML/XML files that are readable by a web browser) for Java Applications.

Regarding:

*converting said extracted code sections into level-specific application code for each extracted level.* (Kim discloses the code section in the JNLP contains JAR files and versions (p. 8). The



browser allows the XML attributes and tags parsed for displaying in the Web Browser, where the code sections is displayed for allowing the client to converting or installing the Java Application into a level-specific application (See p. 8, “The purpose of the JNLP file is as follows:” and its five bold bullets).

Kim discloses the JNLP file as an “integrated configuration XML file” for distributing Java applications (Kim: Figure 8), but does not explicitly mention the ***distributed applications for each level in a multi-level database.***

Zukowski shows J2EE that is a multi-tier environment (See p. 1, “Java 2 Platform”, See p.3, the last lines of the page), where J2EE includes multi-tiers database. A JNLP file is developed **for generating distributed applications** for this J2EE environment.

It is obvious to the ordinary in the art at the time of filing to include ***generating distributed applications for each level in a multi-level database,*** such as in J2EE environment. Using the Java Web Start with XML for distributing Java Applications allows the client at all platforms can retrieve the Java applications at a specific level of tiers, where ***a multi-level database,*** does not make patentable different upon any specific database.

As per Claims 2: Kim discloses, ***Method according to claim 1, wherein said parsing step comprises identifying all code sections in said integrated configuration code required for at least one level of said multilevel environment.*** (See the Kim Browser, or Figure 8)

As per Claims 3: Kim discloses, ***Method according to claim 1, wherein said level-specific application code is a JAVA code*** (Refer the Jar files).

As per Claims 4: Regarding, ***Method according to claim 1, further comprising sending said***

*level-specific application code to a device in said multi-level database environment.* (Refer the JNLP files developed for J2EE as seen in Zukowski)

As per Claims 5: Regarding,

*Method for generating an integrated configuration code in a multi-level database environment, comprising:*

- receiving at least one representation of a database table of said database,*
- retrieving all meta-information of said database table represented by said least one representation from said database, said meta-information comprising information related to the contents of and additional information, about said at least one database table,*
- generating an integrated configuration code comprising code sections for all meta information retrieved from said database.*

See the rational given in Claim 1, where meta-information is the information specified within tags and attributes of the XML File (JNLP file), Database table is as such XML schema or DTD (Zukowski: shown in “Packaging”), and J2EE is a multi-level database environment.

As per Claims 6: Kim discloses, *Method according to claim 1, wherein said integrated configuration code is an XML file* (JNLP file is an XML file).

As per Claims 11-14: The rejection of the claims is the same as the rejection of Claim 6. See the rationale in the claim 6.

As per Claims 25-29: The rejection of the claims is the same as the rejection of Claim 1. See the rationale in the claim 1.

As per Claim 10: The rejection of the claim is the same as the rejection of Claim 1. See the rationale in the claim 1.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV  
July 31, 2008

/Ted T. Vo/  
Primary Examiner, Art Unit 2191